

AUBREY U. LEWIS, SR.,  
Plaintiff,  
vs.  
RENO POLICE DEPARTMENT, et al.,  
Defendants.

3:16-cv-00478-MMD-WGC  
**ORDER**

The problem is that the operative complaint only names one John Doe Reno Police Department officer, two John Doe Washoe County Jail employees, and one Jane Doe Washoe County Jail medical staff member (ECF No. 4), while the motion to substitute names *two* John Doe Reno Police Department officers; *two* John Doe and *two* Jane Doe Washoe County Detention Facility booking/administration employees; an additional *twelve* Washoe County Sheriff's Deputies; as well as Dr. Han. (ECF No. 20.) Plaintiff's motion was not accompanied by a proposed amended complaint which sets forth the basis upon which he contends some eighteen different law enforcement officers have violated his civil rights.

///

1 Under Federal Rule of Civil Procedure 8(a), a complaint must contain “a short and plain  
2 statement of the claim showing that the pleader is entitled to relief[.]” Fed. R. Civ. P. 8(a)(2). The  
3 Supreme Court has found that at a minimum, a plaintiff should state “enough facts to state a claim to  
4 relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *see also*  
5 *Iqbal*, 556 U.S. at 678.

6 The complaint need not contain detailed factual allegations, but it must contain more than a  
7 “formulaic recitation of the elements of a cause of action.” *Twombly*, 550 U.S. at 555; *see also Iqbal*,  
8 556 U.S. at 678. It must contain factual allegations sufficient to “raise a right to relief above the  
9 speculative level.” *Twombly*, 550 U.S. at 555. “The pleading must contain something more...than...a  
10 statement of facts that merely creates a suspicion [of] a legally cognizable right of action.” *Id.* (quoting  
11 5 C. Wright & A. Miller, Federal Practice and Procedure § 1216, at 235-36 (3d ed. 2004)).

12 The Rule 8(a) notice pleading standard requires the plaintiff to “give the defendant fair notice  
13 of what the...claim is and the grounds upon which it rests.” *Twombly*, 550 U.S. at 555. (internal  
14 quotation marks and citation omitted). “A claim has facial plausibility when the plaintiff pleads factual  
15 content that allows the court to draw the reasonable inference that the defendant is liable for the  
16 misconduct alleged.” *Iqbal*, 556 U.S. at 678 (citation omitted). “Plausibility” is “more than a sheer  
17 possibility that a defendant has acted unlawfully.” *Id.* (citation omitted). “Determining whether a  
18 complaint states a plausible claim for relief” is “a context-specific task that requires the reviewing court  
19 to draw on its judicial experience and common sense.” *Id.* at 679 (citation omitted). Allegations can  
20 be deemed “implausible” if there are “obvious alternative explanation[s]” for the facts alleged. *Id.* at 682.

23 Plaintiff has now identified a plethora of defendants in connection with a complaint that does not  
24 allege what the majority of these defendants did to violate Plaintiff’s rights. Therefore, Plaintiff has up  
25 to and including **APRIL 3, 2017** to file an amended complaint which identifies the defendants against  
26 whom he wishes to proceed and includes *factual* allegations as to the conduct of *each* of these  
27  
28

1 defendants. The pleading shall be titled as the "Amended Complaint," and shall be complete in and of  
2 itself without reference to any previous complaint. Any allegations, parties or requests for relief from  
3 prior pleadings that are not carried forward in the amended complaint will no longer be before the court.  
4

5 If Plaintiff fails to file an amended complaint within the proscribed time period, dismissal will  
6 be recommended. Service of the amended complaint will be addressed after the pleading is filed.

7 **IT IS SO ORDERED.**

8 DATED: March 14, 2017.

9 

10 

---

WILLIAM G. COBB  
11 UNITED STATES MAGISTRATE JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28